

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Alan Cassady,

Case No. 20-cv-2246 (WMW/JFD)

Plaintiff,

ORDER

v.

Kilolo Kijakazi, *Acting Commissioner of
Social Security,*

Defendant.

This matter is before the Court on Plaintiff Joseph Alan Cassady’s motion for an award of attorneys’ fees under the Equal Access to Justice Act (EAJA). (Dkt. 35.) Defendant Kilolo Kijakazi, Acting Commissioner of Social Security (Commissioner), does not oppose Cassady’s motion. Instead, on January 18, 2022, the parties filed a joint stipulated agreement (Stipulation) to the payment of attorneys’ fees under the EAJA.

Under the EAJA, a court must award to a prevailing party “fees and other expenses . . . incurred by that party in any civil action,” including proceedings seeking judicial review of agency action brought against the United States, “unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A). Here, it is undisputed that Cassady is the prevailing party in this civil action seeking judicial review of a final administrative determination of the Social Security Administration. And the parties stipulate that Cassady should be awarded \$7,500 in attorneys’ fees and \$500 in expenses

under the EAJA to compensate Cassady for all legal services rendered on behalf of Cassady in connection with this lawsuit. Because there is no basis for the Court to find that the Commissioner's position was substantially justified or that special circumstances make an award of attorneys' fees and expenses unjust, Cassady's motion is granted consistent with the parties' Stipulation.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Joseph Alan Cassady's motion for attorneys' fees, (Dkt. 35), is **GRANTED** as provided in the parties' January 18, 2022 Stipulation.

2. Plaintiff Joseph Alan Cassady is awarded \$7,500.00 in attorneys' fees and \$500 in expenses under the EAJA, which shall be paid in accordance with the terms of the parties' Stipulation.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 9, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge